

John Boehner
Chairman
8th District, Ohio

*House Meets at 9:00 a.m. for Morning Hour
and 10:00 a.m. for Legislative Business*

Anticipated Floor Action:

H.R. 2264—FY 1998 Labor, HHS, and Education Appropriations Act



H.R. 2264—FY 1998 Labor, HHS, and Education Appropriations Act

Floor Situation: The House is scheduled to continue consideration of H.R. 2264 as its first order of business today. On Monday, the House continued considering amendments under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It makes in order four specific amendments—by Mr. Hyde, Ms. Lowey, Mr. Istook, and Mr. Porter—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. The rule also waives House rules that prohibit non-emergency amendments from being offered to a bill containing an emergency designation under the Budget Act. Finally, the rule provides one motion to recommit, with or without instructions. On July 31, the House unanimously agreed to allow a revised version of the Hyde amendment to be considered in lieu of both the original amendment by Mr. Hyde and the secondary amendment by Ms. Lowey.

Summary: H.R. 2264 appropriates \$80 billion in discretionary budget authority—\$5.3 billion more than last year and \$117 million less than the president's request—for the Departments of Labor, Health and Human Services (HHS), Education, and a wide range of related agencies. The discretionary amount is approximately equal to the subcommittee's 602(b) allocation. Including mandatory spending (the amount over which the Appropriations Committee does not have jurisdiction), the bill provides \$279 billion, \$8.1 billion less than last year and \$245 million less than the president's request. The bill provides no funding for approximately 20 programs which received FY 1997 appropriations, including Community Based Resource Centers, state student incentive grants, pre-

ventative health for the aging, Star Schools, urban community service, and various scholarships and fellowships offered by the Education Department.

CBO estimates that enactment will result in mandatory and discretionary outlays of \$188.6 billion in FY 1998, \$37.1 billion in FY 1999, \$9.8 billion in FY 2000, \$1.7 billion in FY 2001, \$82 million in FY 2002 and beyond. The bill was submitted by Mr. Porter and was reported by the Appropriations Committee by voice vote.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration opposes overall funding levels, which are lower than the president's request for Goals 2000, America Reads, Pell Grants, Safe and Drug-Free Schools, Education Reform, the president's new adoption initiative, and Youth Opportunity Areas. In addition, the president has threatened a veto if several proposed amendments are adopted, including (1) prohibiting funds for the president's national testing initiative, (2) prohibiting the use of federal funds for managed care contracts which cover abortions, (3) prohibiting the use of federal funds to support the Teamster election, and (4) prohibiting the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions.

Amendments: On Monday, the House began considering, but did not vote on, the following amendment:

- * An amendment offered by **Mr. Souder** to transfer \$23 million from the Occupational Safety and Health Administration (OSHA) Salaries and Expenses account—specifically \$21 million from the Federal Enforcement account and \$2 million from the Executive Direction and Administration—to the OSHA Federal Compliance account, which currently receives \$45.7 million. *Staff Contact: Amy Adair, x5-6536*

At press time, the *Legislative Digest* was aware of the following other amendments (listed in alphabetical order) to H.R. 2264:

Mr. Burton and Ms. DeGette may offer an amendment (#60) to increase funding by \$1 million for the “We the People...Project Citizen” civic education program (increasing the level to the president's request). This program teaches students about the history of the Constitution and Bill of Rights. The amendment offsets the increase by cutting \$1 million from the Health and Human Services General Management account. *Staff Contact: Nat Wienecke (Burton), x5-2276; Shannon Good (DeGette), x5-4431*

Ms. Chenoweth may offer an amendment (#16) to restore the FY 1997 level of \$4.7 million for the Senior Citizen's congregate meal program, which currently receives no funding under the bill. The amendment reduces funding for family planning initiatives by \$9 million, of which \$4.7 million is an offset for the congregate meal program, and \$4.2 million for deficit reduction. *Staff Contact: Nina Smuckler, x5-6611*

Mr. Crane may offer an amendment (#28) to eliminate funding for the Corporation for Public Broadcasting (CPB). The bill currently provides \$300 million for the account. The member argues that the federal government no longer needs to subsidize the CPB because it should be able to compete as a private broadcasting company. *Staff Contact: Eric Elks or Chris Myers, x5-3711*

Mr. Coburn and **Mr. Burr** may offer an amendment (#34) to increase funding by \$51 million for state AIDS Drug Assistance Programs (ADAP). Offsets come from cutting (1) \$2.4 million from the Health Care Policy and Research account, (2) \$22.7 million from refugee and entrant assistance, (3) \$4.8 million from the Health and Human Services Department (HHS) General Management account, and (4) \$5 million from the HHS policy research account. The member argues that it is more important to support low-income, uninsured people with HIV who do not qualify for Medicaid than it is to fund administrative costs of the federal government. *Contact: Roland Foster (Coburn), x5-2701*

Mr. Coburn and **Mr. Wicker** may offer an amendment (#35) to prohibit the use of federal funds to implement or promote programs that distribute sterile needles for illegal drug use. Supporters argue that the current federal policy prohibiting the use of federal funds for needle exchange programs must be strengthened because the policy has not been followed. *Staff Contact: Andrea Miles, x5-2701*

Mr. Coburn and **Mr. Ackerman** may offer an amendment (#36) to prohibit the use of funds to conduct “blind” HIV tests on newborns. “Blind” tests do not identify the individual from whom the samples were taken. Although “blind” tests have not been taken since 1995, the Center for Disease Control is considering re-implementing the program. Supporters argue that “blind” tests prevent the mother and the child from receiving early medical treatment that could prolong and improve their lives. *Staff Contact: Roland Foster (Coburn), x5-2701; John Berger (Ackerman), x 5-2601*

Mrs. Emerson may offer an amendment (#37) to prohibit the use of federal funds to support medical institutions’ voluntary plans to reduce the number of medical residents unless the Health and Human Services Secretary certifies to Congress that the reduction plan will not reduce the number of primary care residents that are available to practice in under-served rural areas. *Staff Contact: Glenn Kelly, x5-4404*

Mr. Engel and **Ms. McCarthy** may offer an amendment (#2) to provide \$100,000 for the Education Department to develop an Internet site that provides information to students about scholarships and financial aid. If an offset is necessary, the amendment will reduce funding for the educational technology fund. *Staff Contacts: David Toomey (Engel), x5-2464; or Andrew Goldberg (McCarthy), x55516*

Mr. Filner may offer an amendment (#38) to earmark \$12.8 million (equal to the FY 1997 funding level) for Community Schools Youth Services and Supervision Grants, a series of crime prevention programs targeted to elementary students. The bill currently does not provide a specific amount for this program. The amendment designates these funds from the Community Services Block Grant, which receives \$489.6 million under the bill. The member argues that the Community Schools program has received wide national support and supporters are concerned that the program will not receive funding unless a specific amount is designated for it. *Staff Contact: Adam Luna, x5-8045*

Mr. Goodling may offer an amendment (#5) to prohibit appropriated funds from being used to develop national mathematics tests for fourth graders and national reading tests for eighth graders. The amendment does not limit activities of the National Assessment of Educational Progress (also known as the “Nation’s Report Card”) or the Third International Math and Science Study. The member argues that the national tests are too controversial of a change for the president to implement without congressional authorization. *Staff Contact: Kent Talbert, x5-6558*

Mr. Graham may offer an amendment (#39) to eliminate funding for Goals 2000. Currently, the account receives \$458 million, which the amendment will transfer to the Individuals with Disabilities in Education state grant account. *Staff Contact: Greg McGinity, x5-5301*

Mr. Gordon and **Ms. Roukema** may offer an amendment to prohibit educational institutions from awarding Pell Grants to students if the institution is ineligible to participate in federal student loan programs because of a high loan default rate. *Staff Contact: Louis Finkel (Gordon), x5-4231; Lisa Bleier (Roukema), x5-4465*

Mr. Hefley may offer an amendment to cut funding for the Corporation for Public Broadcasting (CPB) by \$50 million, reducing its funding to last year's level. Supporters of the amendment would like to privatize CPB. Opponents believe CPB provides valuable cultural and educational information and would fail without government subsidizes. *Staff Contact: Jennifer Johnson Calvert, x5-4422*

Mr. Hayworth and **Mr. Taylor** may offer an amendment (#40) to provide an additional \$18 million for construction costs for schools that receive Impact Aid payments—federal funds that are paid to schools where student enrollments and the availability of revenues from local sources have been adversely affected by federal activities, such as the presence of Indian reservations and military bases. The amendment offsets the increase by cutting \$18 million from salaries and expenses of the National Labor Relations Board. The bill currently provides \$7 million for construction of federally-impacted schools, and the National Association of Federally Impacted Schools (NAFIS) estimates a need for \$25 million to repair dilapidated schools. *Staff Contact: Bob Holmes, x5-2190*

Mr. Hoekstra may offer an amendment (#41) to prohibit the use of federal funds for a court-appointed election officer to oversee any future Teamster election. The federal government has used federal funds to oversee two Teamster elections as required by a 1993 court order. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hoekstra may offer an amendment (#42) to prohibit the use of federal funds to oversee a rerun of the 1996 Teamster election, unless the president certifies that the Teamsters do not have sufficient funds to conduct the rerun. If the president makes such a certification, the Labor Department may provide a loan to the Teamsters. Last fall, the federal government spent \$20 million to supervise a mail-in election. Two weeks ago, the results of the election were voided and a new election was mandated by a federal court election monitor because of finance violations. Supporters demand that the Teamsters be held accountable to the tax payer for the \$20 million. *Staff Contact: Amy Plaster, x5-4401*

Mr. Hyde may offer an amendment (#1) to update the current-law Hyde Amendment restrictions on the use of federal funds for abortions to include managed care contracts. The amendment prohibits the use of federal funds to pay for any abortion or health benefits coverage that includes the coverage of abortion, except in the case of rape or incest, or when the life of the mother is threatened as a result of the pregnancy. The amendment does not affect the expenditure of state or private funds for abortion coverage for Medicaid patients through contracts that are not federally subsidized. It also does not affect services which managed care organizations provide through non-Medicaid contracts. Proponents of the amendment argue the need for change in current law by citing the increase

of Medicaid beneficiaries in managed care from 10 percent to 40 percent in the last five years, a percentage that is expected to continue increasing in the near future. **Staff Contact: Brad Close, x5-4561**

Mr. Istook and **Mr. Manzullo** may offer an amendment to require federally funded (Title X) health clinics to give written notice to a parent or guardian at least five business days before giving a minor contraceptive drugs or devices. The amendment does not affect Title X counseling, distribution of information, or treatment for sexual diseases. A court-ordered alternative is available if a parent or guardian cannot, or should not, be notified. The amendment also requires the staff of Title X health clinics to report to local authorities any evidence of child abuse, child molestation, sexual abuse, rape, or incest. Requiring parental involvement, proponents believe, will prevent cases like the recent story of a 13-year old girl who received contraception with the help of her high school teacher, who is now accused of child molestation. Opponents of the amendment believe the subject is too complex to be dealt with in an appropriations bill, and that confidential access to clinics is critical to the success of the program. **Staff Contact: Tamar Metjian or Paul Guppy (Istook), x5-2132; Sarah Giddens (Manzullo), x5-5676**

- * **Mr. Castle** and **Mr. Porter** may offer a substitute amendment to the Istook Amendment to require that health centers which receive federal family planning funds (1) encourage family involvement and (2) counsel minors on methods to resist coercive sexual activity. Supporters of the substitute believe it will ensure that teens continue to have access to critical family planning services while encouraging family communication and involvement. Opponents believe that the substitute does not go far enough to involve families, promote abstinence, or protect teens from sexual abuse. **Staff Contact: Kristen Nolt (Castle), x5-4165; Julie Debolt (Porter), x5-4835**

Ms. Jackson-Lee may offer an amendment (#29) to provide an additional \$2 million for the Centers for Disease Control and Prevention to be used for teen pregnancy prevention programs. As an offset, the amendment cuts \$2 million from the health professions training budget. **Staff Contact: Jennifer Leach, x5-3816**

Mr. Kennedy (MA) may offer an amendment (#19) to provide \$4.8 million for elderly abuse prevention efforts, which do not receive funding under the bill. The amendment reduces funding for the National Center for Education Statistics by \$14 million to provide offsetting receipts. **Staff Contact: Heather Mizeur, x5-5111**

Mr. McIntosh may offer an amendment (#20) to cut \$21 million from the Goals 2000 program. The amendment transfers \$15 million to provide more computers and technology in public classrooms, and \$5 million to the education, research, statistics, and technology account for the Jacob Javits fund for gifted and talented students. **Staff Contact: David Holt or Leila Bate, x5-3021**

Mr. McIntosh may offer an amendment to increase funding for charter schools by \$10 million and offset the increase with equal reductions from the Goals 2000 account. **Staff Contact: David Holt or Leila Bate, x5-3021**

Mr. Nadler may offer an amendment (#7) to prohibit any Medicaid funds from being paid to a health insurance provider that limits the type of conversations a physician can have with a patient regarding advice on possible medical treatments. In effect, the amendment establishes an “anti-gag rule” to

guarantee physicians the right to advise their patients on available health care options, regardless of whether those options are covered by the patient's insurance plan. Supporters argue that physicians should not be hindered from providing the best advice available because of a health contract. Opponents argue that the amendment will unduly increase insurance costs and lead to unnecessary medical tests and procedures. *Staff Contact: Josh Greene, x5-5635*

Mr. Nadler may offer an amendment (#8) to prohibit federal funds from being paid to health insurance providers that offer bonuses or impose penalties on doctors in relation to the number of services or tests which are prescribed by the doctor. Supporters argue that physicians should not be hindered from providing the best services available because of a health contract. Opponents argue that the amendment will result in increased insurance costs and that tighter controls over physician procedures are needed before such a measure can be enacted. *Staff Contact: Josh Greene, x5-5635*

Mr. Nadler may offer an amendment (#9) to prohibit the use of Medicaid funds for payments to a health insurance provider unless insurance coverage is provided for items that the treating physician, in consultation with the patient, determines are medically necessary for the patient, and the patient's health care provider pays for the services in a manner that is consistent with the patient's health care plan. *Staff Contact: Josh Greene, x5-5635*

Ms. Northup and **Mr. McIntosh** may offer an amendment to transfer the entire \$200 million provided for Whole School Reform to Individuals with Disabilities in Education. This is the first year the whole school program has been funded. Proponents argue that "whole" school reform relies on decisions made by the federal government rather than with state and local districts where real reforms are made. *Staff Contacts: Kristi Craig or Juli Carter (Northup), x5-5401*

Ms. Northup and **Mr. McIntosh** may offer an amendment to transfer the entire \$200 million provided for Whole School Reform to education reform, education research and statistics, gifted and talented students, and computers and technology in the classroom. Proponents argue that "whole" school reform relies on decisions made by the federal government rather than with state and local districts where real reforms are made. *Staff Contacts: Kristi Craig or Juli Carter (Northup), x5-5401*

Ms. Pelosi may offer an amendment (#10) to transfer \$50 million from the Abstinence Only program to the Center for Disease Control (CDC) for its teen pregnancy prevention programs. The member argues that the CDC programs have been more successful at reducing teen pregnancies and promoting abstinence than the Abstinence Only program. *Staff Contact: Steve Morin, x5-4965*

Ms. Pelosi may offer an amendment (#11) to require that federally-funded abstinence programs provide medically accurate and appropriate information to teens. The member argues that current abstinence programs do not provide youth with accurate scientific facts regarding the success rates of contraceptives. *Staff Contact: Steve Morin, x5-4965*

Mr. Peterson may offer an amendment (#26) to increase funds for the vocational education basic grant by \$85 million (for a total of \$1.1 billion). The amendment reduces the Education Research, Statistics, and Improvement account by an equal amount. Specifically, the amendment cuts (1) \$30 million from the 21st Century Learning Centers Account, (2) \$30 million from the Fund for the Improvement of Education, (3) \$10 million from the National Center on Education Statistics, (4) \$8

million from the research account, and (5) \$7 million from Regional Education Laboratories. **Staff Contact: Bob Moran, x5-5121**

Mr. Peterson may offer an amendment (#27) to restore funding to FY 1997 levels for the Rural Outreach grant program by transferring \$2.3 million from the Health Care Financing Agency's Federal Administration "Program Management" account. **Staff Contact: Jill Hershey, x5-5121**

Mr. Peterson may offer an amendment (#43) to provide an additional \$20 million for vocational education basic state grants and offset the increase by cutting an equal amount from the Goals 2000 program. Under the bill, the vocational education basic grant account receives \$1 billion. **Staff Contact: Bob Moran, x5-5121**

Mr. Riggs and **Mr. Roemer** may offer an amendment (#22) to increase funding for charter schools by \$25 million, for total of \$100 million. The amendment offsets this increase with an equal reduction from the Technology Literacy Challenge Fund. Supporters of the amendment believe the increasing number and success stories of charter schools—public schools created by teachers, parents, and other members of the community that are exempt from local management rules—demonstrate the ability of charter schools to reform American education. **Staff Contact: Mark Davis (Riggs), x5-3311; Gina Mahony (Roemer), x5-3915**

Mr. Riggs may offer an amendment (#14) to prohibit the Education Department from imposing sanctions on states that elect not to provide special education, under the Individuals with Disabilities Education Act, to incarcerated individuals aged 18 to 21 years. Supporters say states should not be required to spend limited federal and state funds on convicted felons. Opponents believe that a key component to rehabilitating prisoners is to provide them with a solid education. **Staff Contact: Trent Barton, x5-3311**

Mr. Riggs may offer an amendment to transfer the \$200 million provided in the bill for the whole school program and demonstration projects to teacher preparation programs. **Staff Contact: Trent Barton, x5-3311**

Mr. Riggs may offer an amendment to transfer the \$200 million provided in the bill for the whole school program and demonstration projects to Vocational Education Technology (\$50 million) and to teacher preparation programs (\$150 million). This is the first year the whole school program has been funded and the member argues that a new program is not needed. **Staff Contact: Trent Barton, x5-3311**

Mr. Riggs may offer an amendment (#31) to prohibit the Department of Education from withholding federal funds from a public educational institution that refuses or fails to enforce affirmative action plans relating to student admissions. The amendment intends to apply to states (e.g., California) where enforcing affirmative action plans is prohibited by state law or court-order. **Staff Contact: Mark Davis, x5-3311**

Mr. Rodriguez may offer an amendment (#32 or #33) to provide \$59.5 million for comprehensive regional assistance centers and reduce the budget for state grants for innovative education program strategies by \$34 million. Currently, the bill provides \$750,000 to evaluate the regional assistance centers. **Staff Contact: Gabriella Gomez, x5-1640**

Mr. Solomon may offer an amendment to prohibit any funds from being provided to a contractor that has not filed required annual reports with the Secretary of Labor regarding veterans' employment. *Staff Contact: Ed Timberlake, x5-7985*

Mr. Souder may offer an amendment (#23) to transfer \$36 million (20 percent) of family planning funds to the National Institute of Health for the National Cancer Institute to research breast cancer. The member believes that providing funding for research that will prevent 44,300 deaths from breast cancer is more important than funding public health clinic contraceptive programs. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#46) to eliminate funding for Goals 2000, which receives \$475 million under the bill. The amendment distributes the \$475 million to school reform and improvement, special education, and education research and statistics. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#47) to double the \$40 million provided in the bill for the neglected and delinquent/high risk youth program by transferring \$40 million from the Goals 2000 program. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#48) to double the budget of the inexpensive book distribution program (also known as Reading Is Fundamental), which currently receives \$12 million. The amendment offsets the increase by reducing funding for Goals 2000 by \$12 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#49) to transfer \$53 million from Goals 2000 to the magnet schools program, which currently receives \$105 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#50) to double the \$27 million provided in the bill for education for homeless children by reducing an equal amount from the Goals 2000 program. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#51) to double the \$75 million budget for charter schools. As an offset, the amendment cuts \$75 million from the Goals 2000 program. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#52) to transfer \$100 million from the Goals 2000 program to IDEA preschool state grants, increasing the grant program by approximately 25 percent. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#53) to transfer \$100 million from Goals 2000 to state grants for infants and families, which currently receive approximately \$341 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#54) to transfer \$68 million from Goals 2000 to Technology in Education, which currently receives \$460 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#55) to transfer \$5 million from Title X family planning to the Ryan White AIDS Pediatric Demonstration program, which currently receives \$37.7 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#56) to increase funding by \$5 million for breast and cervical cancer screening, which currently receives \$145 million. The amendment offsets the increase by cutting an equal amount from Title X family planning funding. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#57) to increase funding by almost 50 percent for child abuse state grants by transferring \$5 million from Title X family planning funding. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#58) to transfer \$10 million from Title X family planning funding to the battered women shelters program, which currently receives \$82.8 million. *Staff Contact: Amy Adair, x5-4436*

Mr. Souder may offer an amendment (#59) to transfer \$10 million from Title X family planning funds to the runaway and homeless youth program, which currently receives \$43.7 million. *Staff Contact: Amy Adair, x5-4436*

Additional Information: See *Legislative Digest*, Vol. XXV, #23, August 29, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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